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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,537	06/27/2001	Tatsuo Eguchi	209880US6PCT	3348
22850	7590	08/28/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/720,537	<b>Applicant(s)</b> EGUCHI ET AL.	
	<b>Examiner</b> Michael Van Handel	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 5/15/2006. Claims **15-30** are pending. Claims **15, 19, 23, 27** are amended. Claims **1-14** are canceled.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims **15, 19, 23, and 27**, filed 5/15/2006, have been fully considered, but they are not persuasive.

Referring to claims **15, 19, 23, and 27**, the applicant argues that Daniels fails to teach or suggest any operation in which the control data for controlling the recording at the user remote device is transmitted appended to an e-mail. Specifically, the applicant argues that the paragraph cited by the examiner is directed to a user request for a programming schedule via e-mail, and that this paragraph is not directed to sending VCR control information. The applicant further argues that the examples Daniels provides of transmitting control information for controlling recording at a VCR disclose embedding the VCR control information within television programming information or provided in a special television channel on a cable system. The examiner respectfully disagrees. Daniels discloses an invention in which a user is provided access to a computer network source of program information and data instructions via an Internet modem connection. The user selects a television program to record and receives data instructions from the computer network source depending on the selected television program. A recording apparatus is controlled to record the selected television program depending on the

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received and stored instructions (p. 13, paragraph 130). In the next paragraph, Daniels again states that the user chooses a television program to record and receives VCR control information from an Internet network (p. 13, paragraph 131). The examiner acknowledges the applicant's argument that Daniels discloses embedding the VCR control information within television programming information, but notes that this is only one way of receiving the information disclosed by Daniels. Daniels discloses this particular example in paragraph 144; however, the examiner directs the applicant to paragraph 143 of the Daniels reference, wherein it is stated that the network connection may be the Internet or a television signal, and further states that the television signal scenario is described below. Therefore, the examiner maintains that Daniels discloses receiving VCR control information from an Internet network. Regarding paragraph 140, the examiner acknowledges the applicant's argument that the paragraph is directed to Figure 15, but notes that the relevant portion of the paragraph cited by the examiner refers to the vehicles by which program information can be supplied to the user. Within this context, Daniels discloses a service a user can subscribe to that provides updated program schedule and VCR control information via email (p. 14, paragraph 140, lines 15-20). Daniels then redirects the paragraph to Fig. 15 once again, stating that in the case of the flowchart, the user is provided access to the network source via a network connection. Thus, the examiner interprets the passage originally cited in the final rejection as an aside providing the various mechanisms by which the user can receive program and VCR control information, as anticipated by Daniels. As such, the examiner maintains that Daniels meets the limitation of "the transmitted data being transmitted appended to an e-mail" as currently claimed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15, 16, 19, 20, 23, 24, 27, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels.

Referring to claims 15, 16, 19, 20, 23, 24, 27, and 28, Daniels discloses an information processing apparatus/method, comprising a server configured to store a program table stating pictures in text, the server further configured to allow a user to select programs on the program table, the user accessing the server from a remote device through a network, and the server further configured to transmit data to the remote device of the user based on the user selections in the program table, the transmitted data being transmitted appended to an e-mail (p. 13, paragraphs 130, 131 & p. 14, paragraph 140, lines 15-20), and the transmitted data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data (duration data) indicating the date and time for terminating the recording to a picture recording apparatus (p. 13, paragraphs 131 & p. 14, paragraph 144)(Figs. 7, 24).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 18, 21, 22, 25, 26, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of vCalendar Specification, v0.4.

Referring to claims 17, 21, 25, and 29, Daniels discloses the information processing apparatus/method according to claims 15, 19, 23, and 27, respectively. Daniels also discloses that a calendar scheduling application is operated depending on VCR control information (p. 13, paragraph 136). Daniels further discloses that VCR control information can be updated via email (p. 14, paragraph 140). Daniels does not disclose that the transmitted data is data of a v-calendar system. vCalendar specification, v0.4 discloses the use of the vCalendar format in point-to-point communication (p. 1, paragraph 4), where vCalendar data streams are created with a vCalendar Writer and are read with a vCalendar reader (p. 1, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Daniels to include the use of a vCalendar format, such as that taught by vCalendar Specification, v0.4 in order to collect and communicate PDI information across e-mail (p. 1, paragraph 2).

Referring to claims 18, 22, 26, and 30, the combination of Daniels and vCalendar specification, v0.4 teach the information processing apparatus according to claims 15, 19, 23, and 27, respectively, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying

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information being stated next to the information indicating the start of the recording reservation data "BEGIN:VCALENDAR" (vCalendar Specification v0.4 p. 5, 2.2.1), "DTSTART:" (vCalendar Specification v0.4 p. 6, 2.1.2), the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to "DTEND:" (vCalendar Specification v0.4 p. 23, paragraph 2.3.11), the information specifying a channel for recording, the channel specifying information being stated next to "LOCATION:" (vCalendar Specification v0.4 p. 24, 2.3.15), the name of a program for recording, recorded next to "DESCRIPTION:" (vCalendar Specification v0.4 p. 6, 2.1.3) , and the information "END:VCALENDAR" (vCalendar Specification v0.4 p. 5, 2.2.1) indicating the end of the recording reservation data.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Westlake et al. discloses a method and interface for linking terms in an electronic message to program information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel  
Examiner  
Art Unit 2623

MVH

  
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